

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2015-125712-001 DT

09/10/2015

HONORABLE MARGARET R. MAHONEY

CLERK OF THE COURT  
A. Gonzalez  
Deputy

STATE OF ARIZONA

RICHARD E SERDEN

v.

JEOFREY MUTINDA KAVU (001)

DIEGO RODRIGUEZ

COURT ADMIN-CRIMINAL-CCC

**COMPLEX CASE ORDER / TRIAL DATE VACATED AND**  
**COMPLEX CASE SCHEDULING CONFERENCE SET**

COURTROOM – SCT 7C

10:09 a.m. This is the time set for Comprehensive Pretrial Conference.

State's Attorney:	Karen Komrada for Richard E. Serden
Defendant's Attorney:	Diego Rodriguez
Defendant:	Present
Court Reporter:	Crystal Hereford

Proceedings are also electronically recorded.

Mr. Rodriguez requests that the Court designate this matter complex. The State has no objection.

IT IS ORDERED granting the Defendant's *unopposed* oral Motion for Complex Case Designation subject to Mr. Rodriguez filing a formal written Motion for same, for the following reasons.

- a. Nature of charges;
- b. Number of victims;
- c. Expert witnesses – number and nature of testimony, etc.;

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- d. Nature of exhibits;
- e. Expert reports, specifically accident reconstruction.

**NEW LAST DAY: 3/13/2016<sup>1</sup>**

IT IS FURTHER ORDERED vacating the Comprehensive Pretrial Conference set today, vacating the Trial date of October 14, 2015 and vacating the Final Trial Management Conference date of October 6, 2015.

IT IS FURTHER ORDERED setting a **Complex Case Scheduling Conference** for **OCTOBER 26, 2015 at 8:30 a.m.** before the HON. MARGARET R. MAHONEY. **No less than two working days before the Scheduling Conference, the State and Defendant shall file a JOINT CASE MANAGEMENT PLAN expressly addressing the following issues:**

1. Proposed trial date;
2. Length of trial and number of witnesses;
3. Final Trial Management Conference date;
4. Brief summary of alleged facts;
5. Discovery production schedule;
6. Witness interview schedule;
7. List of motions needing evidentiary hearing (length of hearing);
8. Schedule for filing motions, responses and replies;
9. Schedule for Motions *in Limine*;
10. Expert witness issues (dates for defense to disclose experts and opinions, if different date than called for in Rule 15);
11. Special investigative needs;
12. General status of plea negotiations;
13. Plea cutoff date;
14. Settlement conference date;
15. Interpreter needs;
16. Schedule of regular Case Management Conferences.

At the Scheduling Conference, the Court will set a Trial Date and a future Case Management Conference. Case Management Conferences will be presumptively set every 30 to 45 days, or more or less frequently as circumstances dictate.

The lawyers who will try the case and the Defendant shall attend each Case Management Conference unless previously excused by the Court. The purpose of the Case Management

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<sup>1</sup> New Last Day calculated at 270 days from the Original Arraignment date of June 17, 2015.

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Conference will be to review pretrial preparation to date, resolve issues, and schedule activities to be accomplished before the next Case Management Conference.

**JOINT CASE MANAGEMENT REPORTS.** No less than two business days prior to each Case Management Conference, the parties shall file a Joint Case Management Report, informing the Court of at least the following items.

1. The specific progress made since the last Case Management Conference in completing activities previously established by the court and the parties;
2. Specific case preparation to be completed before the next Case Management Conference;
3. Witnesses who have been interviewed in the preceding month;
4. Witnesses who will be interviewed in the upcoming month;
5. Pending issues to be resolved.

**MOTIONS IN LIMINE.** Any Motions *in Limine* shall be filed 30 days before the FTMC and such motions must meet the test of *State v. Superior Court*, 108 Ariz. 396, 397, 499 P.2d 152 (1972): "The primary purpose of a motion *in limine* is to avoid disclosing to the jury prejudicial matters which may compel a mistrial." See also, Ariz. Rules of Evidence, Rule 103(c). A written response to a Motion *in Limine* may be filed no later than ten (10) days thereafter. The Court will rule on the Motions *in Limine* without oral argument. If the Court wishes to hear argument, the argument will be heard at the time of the FTMC.

**SUBSTANTIVE PRETRIAL MOTIONS.** All pretrial motions must be filed in writing 45 days before the FTMC. All motions must comply with Rule 35.1, including setting forth a sufficient factual basis for the motion. Failure to file a sufficient motion may result in the motion being denied without evidentiary hearing. See: Rule 16.1[c] Rule 16.2 [b]; *State v. Anaya* 170 Ariz. 436, 443 (1991); *State v. Wilson* 164 Ariz. 406, 407 (1990) and *State v. Alvarado* 121 Ariz. 485, 487 (1979).

**All pretrial motions shall be filed with this Division.**

DEFENDANT IS ADVISED THAT FAILURE TO APPEAR CAN RESULT IN THE COURT ISSUING A WARRANT FOR THE DEFENDANT'S ARREST, BOND BEING FORFEITED AND PROCEEDINGS, INCLUDING TRIAL, MAY BE CONDUCTED IN THE DEFENDANT'S ABSENCE.

IT IS ORDERED affirming prior **RELEASE** orders.

10:18 a.m. Matter concludes.

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This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>.  
Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine  
their mandatory participation in eFiling through AZTurboCourt.